Frank's Last Hope for Court Aid Gone; His Appeal Denied

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ROOSEVELT LAWYERS ATTACK JURORS ACCEPTED BY BARNES AT LIBEL TRIAL

FRANK LOSES LAST APPEAL IN MARY PHAGAN MURDER; AGA'N FACES GALLOWS

Highest Court Holds His Rights Were Not Violated During Trial or on Conviction.

MOB RULE CLAIM FAILS.

Appeal That He Be Released on Habeas Corpus Denied-May Ask Commutation.

WASHINGTON, April 19 .- Leo M. Frank, the Brooklyn man under death Phegan, an Atlanta factory girl, lost and Emslie.

Batteries — Combs and McCarty; across the street to get a call to preach in New York. what is regarded as the last step in his fight for life in the Supreme the United States to-day.

In a decision, to which Justices Holmes and Hughes dissented, the court dismissed Frank's appeal from the Federal Court of Georgia which partured to release him on a writ of corpus. Frank contended that alleged "mob violence" at his trial, and the fact that he was absent from the courtroom when the jury seturned its verdict had removed him

The majority opinion of the Supreme Court to-day rejected all those ontentions and declared Frank had orgia courts.

Seemingly no other avenue of esthe from the death penalty is open State pardon officials might aid him. Judge Pitney, who delivered the KANSAS CITY epinion of the court, concluded by saying:

of Georgia the fullest rights and opportunity to be heard a cording to he established modes of procedure have been accorded to him."

"In the opinion of this court." said Pustice Pitney, "he is not shown to eve been deprived of any right guaranteed to him by the Fourteenth Amendment or any other provision United States. On the contrary, he has been convicted and is now held custody under due process of the law within the meaning of the Con-

The principal points raised in support of Frank's application for recase on habeas corpus as presented to the United States District Court

which not only the jury but the pre-ward: five furlongs. Kewessa, 1 which not only the jury but the presiding judge succumbed, and that
this in effect brought about a dissolution of the court and deprived it of
(Taplin), 5 to 2, 7 to 10 and out, third. jurisdiction to receive a verdict and Time, 1.00. Sam Slick, Reliance al prenounce sentence against the pris- ran. FOURTH RACE — Wilmington

pendered deprived him of an essential part of the right of trial by jury, and was a deprivation of the due process is law guaranteed by the Fourteenth mendment, and that such absence sould not be waived by Frank; and, thirdly, that the ground upon which the Supreme Court of Georgia overculed his objection based upon his absence when the verdict was rendered

(Continued on Sixth Page.)

Baseball To-Day

NATIONAL LEAGUE.

PHILADELPHIA-0 0 1 0

NEW YORK-0000 Batteries Demarce and Festeau and Meyers.

AT BOSTON.

FIRST GAME. BOSTON-

40003000

SECOND GAME. BROOKLYN-.2 0 1 0 0

1 2 0 1 0

AMERICAN LEAGUE.

HIGHLANDERS-

ATHLETICS.

lolph and Gowdy.

Batteries — Caldwell and Lapp. and Nuna-Connolly and Chill.

AT WASHINGTON

1 0 0 0 0 0 0 0

Batteries-Mays and Thomas; John-Frank through the courts. The son and Ainsworth, Umpires-Evans

0 1 0 0

PITTSBURGH-0 0 0 0

HAVRE DE GRACE RESULTS.

FIRST RACE-For filles; twoyear-olds; four furiongs,-Blume, 104 had led in Brighten the Corner Where (Buxton), 15 to 1, 4 to 1 and 6 to 5, You Are" was that it behooved the first; Shaban, 108 (Metcalf), 20 to 1. Church of Christ to wake up, for this 3 to 1 and even, second; Casco, 104 was the dawn of a new era. (McAtee), 5 to 2, 2 to 5 and out, third.

also ran.

SECOND RACE. Selling: threem Georgia and to the Supreme Court first; Sliver Moon, 116 (McCahey), 3 to 1, 4 to 1 and 2 to 1, second; Free to 1, 4 to 1 and 2 to 1, second; Free Billy fact have thought the were:

First, that the disorder in and about the court room during the trial and up to the rendition of the verdict and up to the ver

Secondly, that Frank's involuntary absence at the time the verdict was (McCahey), 11 to 5, 7 to 10 and out, sendered deprived him of an essential first; Celto, 106 (Turner), 8 to 5, 1 to 2 and out, second; Protector, 111 tempts Rescue.

(Butwell), 8 to 5, 1 to 2 and out, third
Time, 1.071-5. The Masquerader,
Ninety Simplex, Sing Song and Dinah

Grimsby trawier Vanilla was torpetrenches.

'THOU SHALT NOT COMMIT AFFINITY," SAYS BILLY SUNDAY

Juotes 1915 Version of Commandments to 3,000 Minis-

ters in Calvary Church.

"I Wouldn't Cross Street to Get Call to Save New

York."

Billy Sunday told three thousand ninisters, theological students and a

the newspaper reporters right as to why I'm here," he said. "I want to disabuse your minds of any ide that I'm trying to get a call to New York. Batteries Smith and Miller; Ru- get one; that's how I feel about it.

Both upon his arrival and upon his departure he was surrounded by a great crowd at the church entrance, and there was so many persons at the door of his motor car clutching for his Two English Aviators Outmandifficulty. The last thing he said was that he and Ma Sunday were going to luncheon and then to see two or

On the rostrum of Calvary Church were the Rev. Arthur T. Brooks, president of the Baptist Conference; Rev. Dr. G. U. Wenner of the Luth-Batteries - Packard and Easterly; eran Church, and Rev. Dr. Charles-Hearn and Berry. Umpries-Brennan A. Eaton of the Madison Avenue Baptist Church. They were particularly enthusiastic in applauding the

Belle of Kitchen and Filly Felfia tommyrot spouted in orthodox puiold world is going to bell so fast."

he said. "I don't care whether what

TRAWLER TORPEDOED; ALL HANDS ARE LOST

Do also ran.

FIFTH RACE—Selling: / threeyear-olds and up; one mile and seventy yards.—Star Gife, 111 (Shuttinger), 7 to 10, 1 to 4 and out, first:

Grimsby trawier vanita was torpedoed and suck with all hands by a

German submarine Sunday. Word
German smoke balls, each denoting
shrapnel, as the British swung closer
day by the trawier Fermo which was

RAPS 'EM; THEY LIKE IT.

"I just want to set you people and "If the Lord wants me to come to

New York He'll let I v know and I'll You asked me to come here to day and that's why I'm here."

There was no mistaking the enthusiasm of Billy's audience in Dr. Mac-Arthur's old church. He was applauded long and loudly, and twice when he wanted to stop he was urged on with cries of "Go ahead,

three innings of the Glants-! !!lier game at the Polo Grounds.

evangelist. The first thing Billy told his hearers after "Rodey" and his trombone flying corps

"This business of being saved by planes could be seen rising into the Time, 484-5. Sand Pocket, *Ardent, character," he went on, "is mere sky in great wide circles. pits. We've got 'In God We Trust' over the German trenches, making on our coinage, but there are 10,000,000 for the protection of his own guns. people in this country who are not year-olds and up; six furiongs—Siguith, church members. I don't wonder this smoke, each bigger than the pursuing will be compelled to specify the charges 114; Ambrose, 13 to 10, 1 to 2 and out, old world is soing to bell so fast. British aeroplanes broke into view under which it will atempt to convict Billy hard have the fat that the In the centre of each was a ball of

(Continued on Second Page)

Condemned Man Who Has Lost Last Appeal; Girl He Is Accused of Having Murdered CROWD FILLS COURT



FASISTANK HOOKS

oeuvre an Enemy and Force Him to Earth.

By William G. Shepherd.

HEADQUARTERS OF THE BRITtSH ARMY, Northern France, Sunday, April 18 (via London, April 19.) -It was my privilege to-day to witness a wonderful demonstration of the superiority of the British royal

At 4.30 o'clock a Getman acropiane was reported figure over Ypres, From a distant station two British sero-

As he led the way white balls of

British aeroplanes broke into view light. They were German shrapnel. The smoke puffs did not disappear but hung in almost regular order in space It appeared from the ground that the Germane were putting new ficecy clouds in the sky.

The British airmen were trying hard to get above the German so they could shoot him down. As the dashed through the smoke clouds it

Lochiel, 113 (Taplin), 5 to 1, 8 to 5 in the vicinity at the time.

Lochiel, 113 (Taplin), 5 to 1, 8 to 5 in the vicinity at the time.

The Fermo tried to rescue the crew of the Vanilla, but was driven off by third. Time, 1.45 3-5. Joe Diebold, at that trawier.

The German tried to circle back toward his own interposed and he was plane was interposed and he was forced down toward the earth. Then

the German swung about to make one final dash for home, but he was now so low that he was within range of the thousands of British soldiers in The German machine, now sandwiched between fire from the British aeroplanes and the British trenches,

ish territory, which was accepted as a sign of surrender. The English aeroplanes followed until they saw the German land on the rough ground in the rear of the British trenches. The German muchine was smashed, and the pilot crushed to death under the aeroplane, but the observer officer was only stightly bruised and was taken pris-

lasted four hours. All business in Ypres ceased while Copyright, 1915, by the I nited Press: Copyright the battle was on, as it was in full in Great Britain.) view of the positions, and the deep blue of the sky was marred only by European crisis in an address here the feather smoke from the shrapnel moday formally opening the Congress and the flash of the wings of the acro- of the Daughters of the American Hobbins's Prompt Return Replanes in the atmosphere.

oner. The battle in the say had

NEW HAVEN MEN WIN.

Must Specify the Churges in Suit. United States District Judge | funt today granted the applications for bills of particulars filed in behalf of twelve in-

torneys for both sides, the Government on charges of violating the Shorman law. The decision favors William Rockeeller. George Mact'ollough Miller. Charles F. Brooker, D. Newton Barney James S. Hemingway, Lewis Cas. Ledcard, A. Heaton Robertson, Frederick F. itrewster, Henry K. McHarg, Alexander Cochrane, Robert W. Taft and Charles M. Prett.

George P. Slosson. Billiardist. Is worthless unless they were brought be delayed a little, up to date and made to apply to the fore you adjourn."

F. Slosson, former world's

The World Travel Bureau, arade, Puntaer (Worki Bunding, for 64 Park how, N.Y. City. Ticket office for all Constwies, Bermuda, 1 and South American steaming lines. They checks and money orders for sale, Tax at automobiles for hips. Check room far automobiles for hips. Check room far arades or the constant of the const

Supreme Test of Nation Is Self-Possession, He Tells Daughters of Revolution.

WASHINGTON, April 19 .- Presi dent Wilson urged calmness on the Revolution. He said that he could speak only in general terms and that it was indiscreet for him to speak

supreme test of a nation was self passession, the power to restrain emotions, think calmly and be absolutely sure of everything it does. The dicted directors of the New York, New United States, he said, must possess The German aviator headed back Haven and Hartford Bailroad. As the the judicial temperament, not in orresult of Judge Hunt's decision, reached der to judge others, but in order to after several days of argument by at- judge calmly what it does itself.

He declared that he hoped that

vere usually musty and ill-advised. States as a melting put of national-ities, and added that the Nation was speaking particularly of patriotic your perishable stuff and put a your granizations like the D. A. R., the

present and the future.

Whole Day Spent in Examining Talesmen - Ex - President and State Leader Sit Back to Back in Supreme Court. CURB PUT ON ROOSEVELT BY HIS OWN LAWYERS.

AS POLITICAL ENEMIES

CHOOSE MEN FOR JURY

(Special from a Staff Correspondent of The Evening World.) SYRACUSE, N. Y., April 19.-Theodore Roosevelt and William Barnes, State Republican leader, sat back to back in court to-day when the latter's \$50,000 libel suit against the ex-President was called for trial. William M. Ivins was in command of the Barnes legal forces, and John M. Bowers was chief counsel to Col. Roosevelt.

Two hours were required to fill the jury box with twelve men who passed merely the probationary examination of one side. Then both leading counsel had a little talk in the back room, and by consent three jurors were bowled out, including James Cregor, the first chosen. Barnes got tired and left the courtroom, but Col. Roosevelt sat rigidly at his post and never took his eyes off the jurors under examination.

At 12.30 court recessed until 2 o'clock, with nine Republicans, two Democrats and one Progressive temporarily in the box, most of them Democrats and one Progressive temporarily in the box, most of them farmers from country districts. The defense had exhausted four of its

SENTENCES TEAMSTER, LETS HIM DELIVER LOAD **BEFORE GOING TO JAIL**

duces His Sentence From Thirty Days to One.

arraigned in the Brooklyn County was. Another question was: Court this afternoon for sentence. He had been out on ball since Feb. 6. a citizen to criticise persons holds when he was found drunk in broad day- office as to administration of public light trying to pry his way into the affaire?" barber shop of Annello Esposito, opvery quiet influence in the United Posite the Adams Street Police Court.

soler second thought on every question which arises, since first thoughts truck outside. If I'm put away this fairs." minute it'll all spoil and I'll be in bad." going to send you to the pentientiary jurors. Barnes's counsel objected for thirty days. But you go deliver your perishable stuff and put away be delayed a little, but I'll be back be-

"I ask you to raily to the cause which is dearer in my estimation than any other cause, and this is the cause of righteousness as ministered to by the se who hold their minds quiet and judge according to principle."

President Wilson arrived at the meeting during the reading of a prayer. As he and his party entered toward him and said: "Hush." The president and his party waited until the prayer was over.

Judge. "Also your employer says you charged with the same acts as the are honest and industrious. Suppose I let you off, will you drink any more."

"Never again, your Honor," replied Hobbins, raising his right hand.

"Very well," said Judge Roy. "I will against them, indicating that charges alleging Barnes and Roosevelt collustrations will be admitted in the trial.

After long examination the Roose-toward him and said: "Hush." The grayer was over.

President and his party waited until the prayer was over.

capacity. Special police held back hundreds who clamored in vain at the outer doors of the court house.

easion said they were pretty well satisfied with the men in the jury box and turned them over to Col. Roosevelt's lawyers for examination. The defense was much more particuiar and searching in its questions. A German born juror was asked: "Have you any prejudice because of the stand taken by Col. Roosevelt in the European War and toward the alleged violation of Belgian neutrality?
DIDN'T KNOW WHAT COLONEL'S ATTITUDE WAS.

The juror had none because he did not know what the Colonel's attitude "Do you believes it is the right of

Mr. Ivins put in objections for the first time and Justice Andrews said: "Your honor," said Hobbins, "I've "Of course a citizen has the right to States would be used to create a got a load of perishable stuff on my comment on and criticise public of

"Very well," ruled Judge Roy. "I'm duce political subjects in questions to vigorously and was sustained by the court. One question aimed to open to "I will," said Hobbins. "Maybe I'll views on corporation campaign contributions; another to popular movements for political reform; a third showed in relief above the German, who had soared back across the British within Grimsby trawler Vanilla was torped of the disaster was brought here to day by the trawler Fermo which was in the Vicinity at Hobbins returned to court after he to Albany printing contracts. The

THE RESERVE OF THE PERSON